



Docket No. 10621-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Clarke et al

5 Serial No. 09/976,987

Group Art Unit: 1772

Filing Date: Oct. 12, 2001

Examiner Rhee, Jane J

Title: Gas-permeable Membrane

Mail Stop RCE

10 Commissioner for Patents,

Washington, DC 20231

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SUBMISSION UNDER 37 CFR 1.114

TC 1700

15 Sir,

This paper is a submission under 37 CFR 1.114 and accompanies a Request for Continued Examination (RCE) Transmittal. Reexamination and allowance are respectfully requested in view of the Amendments and Remarks below.

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A. Summary

A Notice of Allowance of this application was mailed on June 7, 2004. This RCE is being filed

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1) to make some relatively minor changes in, or to cancel, a few of the allowed dependent claims (the allowed independent claims and many of the allowed dependent claims being unchanged);

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
On August 9, 2004 Typed name of person signing this certificate: T. H. P. Richardson

Signature

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2) to add two new claims (claims 34-35) dependent on the allowed claims, corresponding to previous claims 12 and 14, which had been withdrawn from prosecution, and then canceled by the Examiner's Amendment;

3) to add new claims 36-77; and

4) to amend the specification to bring the statements in the specification of the preferred aspects of the invention into conformity with the new claims.

In the new claims 36-77, claims 36, 48, 56, 66 and 72 are independent claims, and claims 37-47, 49-55, 57-65, 67-72 and 73-77 are dependent respectively thereon.

Except in the two respects noted below, independent claims 36, 48, and 56 are substantially identical to allowed claims 1, 20 and 29, respectively, and independent claims 66 and 72 are substantially identical to allowed claims 20 and 29 with the further limitation that the coating polymer comprises a polydimethyl siloxane (as in allowed claim 26). These independent claims differ from the allowed claims in the following respects.

(1) They omit the limitation that the membrane has a P_{10} ratio, over at least one 10°C range between -5°C and 15°C, of at least 1.3.

(2) The package claims omit the limitation that the package is stored in air.

With regard to the omission of the P_{10} ratio limitation, there is basis on page 3, line 27-page 4, lines 10, page 5, lines 1-9, page 8, lines 17-23, page 9 lines 7-12, and page 10, lines 10-15, for claiming membranes which do not necessarily have a P_{10} ratio, over at least one 10°C range between -5°C and 15°C, of at least 1.3. With regard to the omission of the limitation that the package is stored in air, there is basis on page 82, lines 14-25, for the use of the novel membranes in any package, no matter how the package is stored.

The new dependent claims are similar to the claims dependent on claims 1, 20 and 29.

It is believed to be clear that the new claims are patentable for the same reasons as the previously allowed claims.

5 There is detailed discussion of each of these issues in the Remarks section of this Submission.

Amendments to the Specification begin on page 3 of this paper.

10 Amendments to the Claims are reflected in the listing of claims which begins on page 6 of this paper.

Remarks/Arguments begin on page 21 of this paper.